

### **REMARKS**

These remarks are responsive to non-final Office Action of August 13, 2003. Claims 1, 6, and 9 have been amended. Claims 1-19 are pending in the instant application. As discussed in the foregoing, reconsideration and allowance of the instant application are respectfully requested.

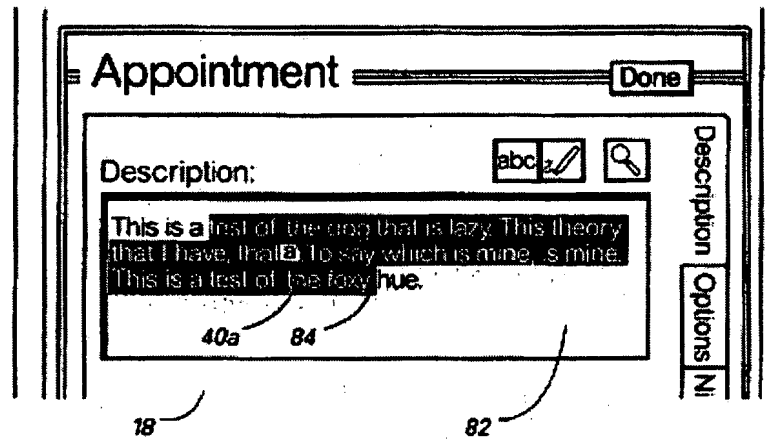
#### **Specification**

The Office Action objected to the specification regarding the Cross Reference to Related Applications. (See Office Action ¶ 1). The noted section has been amended to reflect the application numbers of the related applications. Accordingly, Applicants request withdrawal of the objection.

#### **Claims**

The Office Action relies on U.S. Patent No. 5,760,773 to Berman et al. (hereinafter "Berman") as anticipating claims 1-19 (See Office Action ¶ 3). Independent claim 1 recites a method for selecting portions of electronic data on a display device, comprising the steps of: generating a selection area identifying a first portion of said electronic data, wherein said selection area includes a plurality of selection handles, said selection handles being peripherally disposed to said selection area; receiving an input from a user associated with said one or more selection handles; and resizing said selection area responsive to said user input.

Berman describes different action handle embodiments having positioning of a single action handle. For example, Figure 8A of Berman is reproduced below for ease of explanation.



**FIG. 8A**

Figure 8A shows action handle 40a within a range 84 of selected text. (See, Berman, col. 19, lines 1-3). As discussed with respect of positioning of the action handle embodiments, Berman states for “a selected range of text on a single line”, the action handle is either placed immediately above or below the text or centered horizontally with respect to the selected text. (See col. 14, lines 1-5). For a selected string of text that spans more than one line “the action handle is placed in the center of a bounding box of the selected text.” (Col. 14, lines 6-10). Additionally, Berman discusses centering a single action handle in a selection of text. (See col. 22, lines 19-29). Nothing in Berman teaches a plurality of selection handles being peripherally disposed to the selection area as recited in claim 1. Thus, Berman lacks each and every feature of claim 1. Accordingly, claim 1 is allowable over Berman for at least the noted reasons. Claims 2-5, 8, and 12-14 depending, directly or indirectly, from independent claim 1 are allowable for all the reasons given above, and further in view of the additional features recited therein.

Claim 6 has been rewritten in independent form to incorporate *the original subject matter* of the base claim 1. Claim 6 recites a method for selecting portions of electronic data on a

display device, comprising the steps of: generating a selection area identifying a first portion of said electronic data, wherein said selection area includes two selection handles on opposing sides of said highlighted selection area; receiving an input from a user associated with said selection handles; and resizing said selection area responsive to said user input. Berman fails to describe the recited method of claim 6. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Notably, each of Berman's action handles embodiments only describes a single action handle or icon. As noted in the foregoing, the positioning of the text action handle is either above, below, or centered on a text selection. There is simply no teaching or suggestion of the selection area including two selection handles on opposing sides of the highlight selection area; receiving an input from a user associated with the selection handles; and resizing the selection area responsive to the user input. Thus, Berman lacks a teaching or suggestion to each and every feature of claim 6. In view of the foregoing, independent claim 6 is allowable over Berman.

Claim 7 depending from independent claim 6 is allowable for all the reasons given for claim 6 and in view of other distinguishing features. For example, Berman does not describe a step of exchanging the selection handles when a first of the selection handles is relocated to an opposite side of the selection area. While the Office Action points to col. 13, lines 10-67 of Berman for the alleged teaching, at best, Berman merely teaches dragging an action handle. Berman absolutely lacks any teaching of the recited exchanging step for the selection handles.

Claim 9 has been rewritten in independent form to incorporate *the original subject matter* of the base claim 1 and intervening claim 8. Among other features, Berman does not describe a step of resizing the selection area responsive to said user input, further comprises a step of

automatically resizing the selection area to highlight an entire image object when the user relocates one of the selection handles to highlight a portion of an image object. The Office Action points to col. 15, lines 8-67; col. 21, lines 7-57; and FIGS 8A-8C of Berman for the alleged teaching. On the contrary, there is simply no teaching of this concept in Berman. At best, Berman describes dragging an action handle to move it across a screen. Berman lacks a teaching or suggestion of each and every feature of claim 9. *See, e.g., Richardson v. Suzuki Motor Co.*, 868 F.2d at 1236. In view of the foregoing, independent claim 9 is allowable over Berman.

Claims 10 and 11 depend indirectly from claim 1. Berman fails to disclose a selection area that further includes an image object handle (claim 10) and a rotational tool (claim 11). Notably, the discussion in Berman, e.g., col. 23, lines 1-65, merely pertains to Object Oriented Programming.

Regarding independent claim 15, Berman fails to teach or suggest the recited portable computing device. Among other features, Berman fails to describe a device configured to display a selection area identifying a selected portion of text data in which the selection area includes first and second selection handles on opposing sides of the selection area. The Office Action points to figures 2-8C of Berman for an alleged teaching. Notably, as discussed in the foregoing, Berman's action handle embodiments have only a single action handle. There is no teaching or suggestion of the recited device features of claim 15. *See, e.g., Richardson v. Suzuki Motor Co.*, 868 F.2d at 1236. Thus, Berman lacks a teaching or suggestion of each and every feature of claim 15. In view of the foregoing, independent claim 15 is allowable over Berman for at least the noted reasons.

Claims 16-19 depending from independent claim 15 are allowable for all the reasons given above with respect to claim 15, and in view of further distinguishing features recited therein. For example, in claim 17, Berman does not teach or suggest a device configured to automatically exchange selection handles when the user selects and moves the first selection handle to an opposite side of the selection area. The Office Action points to col. 25, lines 8-57 of Berman for an alleged teaching. On the contrary, the alleged discussion in Berman merely pertains to Object Oriented Programming and does not teach or suggest the recited feature of automatically exchanging the selection handles.

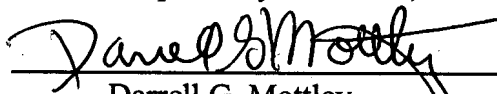
### **CONCLUSION**

For the foregoing reasons, it is respectfully submitted that this application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number. If any additional fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733.

Dated November 13, 2003

By:

Respectfully submitted,



Darrell G. Mottley  
Registration No. 42,912

BANNER & WITCOFF, LTD.  
1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001